

Department of Justice

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WEDNESDAY, JANUARY 18, 2012

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BULK STORAGE COMPANY ORDERED TO PAY \$350,000 FOR VIOLATION OF THE CLEAN WATER ACT

NEW ORLEANS, LOUISIANA -STOLTHAVEN NEW ORLEANS, LLC, of Braithwaite, Louisiana, was sentenced yesterday by U. S. Magistrate Judge Alma L. Chasez to two (2) years of probation and ordered to pay a fine of \$200,000 for the illegal discharge of 454,465 gallons of a solution of fluosilicic acid from its facility into the Mississippi River on March 17, 2008, announced U. S. Attorney Jim Letten.

STOLTHAVEN pled guilty on October 13, 2011, to a one count bill of information charging it with a violation of the Clean Water Act by having knowledge of the corrosivity of FSA and of the past leaks which had occurred and negligently not having a storage tank or other provision available in the event of an emergency. **STOLTHAVEN** admitted that the discharge of 454,465 gallons of FSA into a navigable water of the United States, the Mississippi River, would not have occurred had **STOLTHAVEN** used a rubber-lined tank to properly and safely store the FSA and had **STOLTHAVEN** had an emergency storage tank available on March 17, 2008. Through its negligence, which was not revealed to state and federal agencies, **STOLTHAVEN** placed state and federal agencies in a position of having to authorize the discharge of the FSA into the Mississippi River in order to avert an even greater threat to human health and the environment.

In addition to the fine of \$200,000, **STOLTHAVEN** was ordered to make a community service payment of \$150,000 which will be paid as follows:

\$100,000 to the Louisiana State Police Emergency Services Unit,
\$40,000 to the Louisiana Department of Environmental Quality, and
\$10,000 to Southern Environmental Enforcement Network Enforcement Training Fund,
which money pays for environmental training to all law enforcement.

The company was also ordered to implement an Environmental Compliance Plan approved by the Louisiana Department of Environmental Quality.

Speaking on yesterday's sentencing, RADM Roy A. Nash, Eighth Coast Guard Commander stated:

"Today's sentence demonstrates the United States' steadfast commitment to safeguarding public health and the marine environment. We applaud the efforts of the many environmentally responsible companies, but will hold non-compliant companies accountable for violating environmental laws. I am grateful for the hard work and dedication of the Department of Justice, the Coast Guard investigators, EPA, DEQ, and the Louisiana State Police for bringing this case to proper resolution.

Peggy Hatch, Secretary of the Louisiana Department of Environmental Quality stated:

"In this instance, the Mississippi River suffered from an illegal discharge. I am proud that EPA, DEQ, Louisiana State Police, and the United States Department of Justice have worked together to ensure there are consequences when environmental laws are broken. Adhering to the environmental regulations is vital for the health and safety of our state and, to create a level playing field, all industries should take the necessary steps to ensure their business practices are in line with those regulations."

Ivan Vikin, Special Agent in Charge of EPA's Criminal Enforcement Program in Louisiana added:

"Facilities operating in our backyards have a responsibility to follow the nation's environmental laws, which are designed to protect our rivers and public health. The solid waste in this case is extremely corrosive and high in arsenic. The defendant knowingly stored it in an inadequate manner which ultimately led to a release of a half-million gallons of toxic chemical into the Mississippi River. Today's guilty plea shows that businesses and their senior managers who choose to ignore critical safeguards and put their employees and the public at risk in order to make illegal profits will be prosecuted."

This case was investigated by the United States Environmental Protection Agency-Criminal Investigative Division, the United States Coast Guard Criminal Investigation Service, the Louisiana Department of Environmental Quality-Criminal Investigation Division, and was prosecuted by Assistant United States Attorney Dorothy Manning Taylor.